





City of Loma Linda Official Report

Floyd Petersen, Mayor
Karen Hansberger, Mayor pro tempore
Robert Christman, Councilmember
Stan Brauer, Councilmember
Robert Ziprick, Councilmember

COUNCIL AGENDA: October 28, 2003
TO: City Council
VIA: Dennis R. Halloway, City Manager 
FROM: Pamela Byrnes-O'Camb, City Clerk 
SUBJECT: March 2, 2004 General Municipal Election

RECOMMENDATION

It is recommended that the City Council:

1. Adopt Council Bill #R-2003-48, calling and giving notice of the election, and Council Bill #R-2003-49, adopting regulations for candidate's statements for inclusion in the Sample Ballot.
2. Determine the method by which a tie vote is resolved.

BACKGROUND

The 2004 General Municipal Election is scheduled for Tuesday, March 2 to elect three (3) members to the City Council, each for a four-year term. The seats available are those now held by Council Members Christman, Brauer and Hansberger.

The filing period for nomination papers is November 10 through December 5. Nomination papers may be issued by the City Clerk or her Deputy only during normal business hours.

Should an incumbent not file during that time, the filing period is extended to 5:00 p.m., Wednesday, December 10; however, an incumbent may not file during the extension period. If no other candidates file for office than there are offices to be filled, the City Council has the following options:

1. Appoint to the office the person(s) nominated.
2. Appoint to the office any eligible elector if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated.

Option 3 would allow for qualified write-in candidates should the City Council opt for neither alternative 1 or 2. If an appointment is made, however, no statements of write-in candidacy may be accepted.

The Election Code provides for a tie vote to be resolved by lot (tossing of a coin, drawing envelopes) or by special election. If a runoff election is chosen, it is to be held not less than 40 nor more than 125 days after the "Declaration of Result."

On November 13, 2001, the City Council adopted Resolution 2206 providing for a runoff election should a tie occur. In the past, the City Council has chosen to break a tie vote by runoff election, except for the March 2000 Election, which resulted in a tie vote decided by a coin toss.

ANALYSIS

The City of Loma Linda consolidates its General Municipal Election, at a cost savings to the City, with the Direct Primary Election, which is carried out by the County Registrar of Voters.

ENVIRONMENTAL

Not applicable

FINANCIAL IMPACT

01-1100-1875

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOMA LINDA, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 2, 2004 FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a General Municipal Election shall be held on March 2, 2004, for the election of Municipal Officers;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMA LINDA, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the City of Loma Linda, California, on Tuesday, March 2, 2004, a General Municipal Election for the purpose of electing three (3) Members of the City Council for the full term of four years.

Section 2. That the ballots to be used at the election shall be in form and content as required by law.

Section 3. That the City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

Section 4. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the

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same day when the polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.

Section 5. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

Section 6. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

Section 7. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED on the 28th day of October 2003 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Floyd Petersen, Mayor

ATTEST:

Pamela Byrnes-O'Camb, City Clerk

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOMA LINDA, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, MARCH 2, 2004

WHEREAS, Section 13307 of the Elections Code of the State of California provides that the governing body of any local agency adopt regulations pertaining to materials prepared by any candidate for a municipal election, including costs of the candidate's statement;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMA LINDA, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. General Provisions. That pursuant to Section 13307 of the Elections Code of the State of California, each candidate for elective office to be voted for at an Election to be held in the City of Loma Linda on Tuesday, March 2, 2004, may prepare a candidate's statement on an appropriate form provided by the City Clerk. The statement may include the name, age and occupation of the candidate and a brief description of no more than two hundred (200) words of the candidate's education and qualifications expressed by the candidate himself or herself. The statement shall be filed in typewritten form in the office of the City Clerk at the time the candidate's nomination papers are filed. The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.

Section 2. Payment. The candidate shall be required to pay for the cost of printing the candidate's statement in English and a foreign language. The City Clerk shall estimate the total cost of printing, handling, translating, and mailing the candidate's statements filed pursuant to this section, including costs incurred as a result of complying with the Voting Rights Act of 1965 (as amended), and require each candidate filing a statement to pay in advance to the local agency his or her estimated pro rata share as a condition of having his or her statement included in the voter's pamphlet. In the event the estimated payment is required, the estimate is just an approximation of the actual cost that varies from one election to another election and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the Clerk is not bound by the estimate and may, on a pro rata basis, bill the candidate for additional actual expense or refund any excess paid depending on the final actual cost. In the event of underpayment, the Clerk may require the candidate to pay the balance of the cost incurred. In the event of overpayment, the Clerk shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of the election.

Section 3. Additional Materials. No candidate will be permitted to include additional materials in the sample ballot package.

Section 4. That the City Clerk shall provide each candidate or the candidate's representative, a copy of this Resolution at the time nominating petitions are issued.

Section 5. That all previous resolutions establishing City Council policy on payment for candidates statements are repealed.

Section 6. That this resolution shall apply only to the election to be held on March 2, 2004 and shall then be repealed.

Section 7. That the City Clerk shall certify to the passage and adoption of this resolution, and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED on this 28th day of October 2003 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Floyd Petersen, Mayor

ATTEST:

Pamela Byrnes-O'Camb, City Clerk